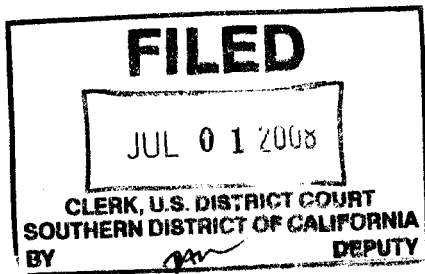


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8591

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Raul VILLAVICENCIO-Burrue,)
)
Defendant.)

Mag. Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

The undersigned complainant being duly sworn states:

On or about April 8, 2008, within the Southern District of California, defendant Raul VILLAVICENCIO-Burrue, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and (557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

[Signature]
CHRISTOPHER SALGADO

Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1ST DAY OF JULY 2008.

[Signature]
PETER C. LEWIS
U. S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.
3 Raul VILLAVICENCIO-Burruel

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the
6 statements of the apprehending Immigration Enforcement Agent M.
7 Mendez.

8 On April 8, 2008, the defendant, identified as Raul
9 VILLAVICENCIO-Burruel (VILLAVICENCIO), was arrested in Calexico,
10 CA by Border Patrol Agent Maskell, of the United States Border
11 Patrol, for re-entry after deportation.

12 Further records checks revealed VILLAVICENCIO has a criminal
13 history and an active bench warrant out of the San Bernardino
14 County.

15 Immigration Enforcement Agent M. Mendez subsequently
16 encountered the defendant in custody at the Calipatria State
17 Prison and placed an immigration detainer on Form I-247.

18 On June 30, 2008, at approximately 10:00 a.m., the defendant
19 was referred to the custody of United States Immigration and
20 Customs Enforcement in Imperial, CA. Immigration Enforcement
21 Agent R. Vargas arrested VILLAVICENCIO and transported him to the
22 Imperial Office.

23 Record checks of VILLAVICENCIO revealed he was previously
24 ordered deported to Mexico by an Immigration Judge on April 20,
25 2006. On May 2, 2006, VILLAVICENCIO was removed to Mexico via
26 the San Ysidro, CA Port of Entry.

27 There is no evidence that VILLAVICENCIO ever sought or
28 received permission from the Attorney General of the United
States or his designated successor, the Secretary of the
Department of Homeland Security, for permission to re-enter the
United States.

Based upon the foregoing information, there is probable
cause to believe that VILLAVICENCIO has illegally re-entered the

1 United States after Deportation, in violation of Title 8 of the
2 United States Code 1326, Deported Alien Found in the United
3 States.
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